

REMARKS

Claims 1-4, 5, 7-16, 25-27, 30-31, and 33-34 remain in the application for further prosecution. Claims 6, 28, 29, and 32 have been cancelled. The subject matter of claim 4 has been incorporated into independent claim 1 and claim 32 has been cancelled without prejudice or disclaimer responsive to the Examiner's further restriction requirement between Group I (Claims 1-16 and 25-31) and Group II (Claim 32). The Applicants confirm that Group I is being elected, without traverse, for prosecution on the merits.

The Applicant reserves the right to file the cancelled claims in a divisional application.

New claims 33-34 have been added.

I. THE 35 U.S.C. § 112, SECOND PARAGRAPH REJECTION

Claims 1, 5, 12, 27 and 29 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Reconsideration and withdrawal of this rejection is requested in view of the clarifying amendments presented herein.

II. THE 35 U.S.C. § 102 REJECTION

Claims 1-2, 4-5, 7-9, 14-16 and 25-28 were rejected under 35 U.S.C. § 102(e) as being anticipated by Hino et al. (US 2002/0162724) ("Hino"). Reconsideration and withdrawal of this rejection is requested.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989).

In view of at least the following, Applicant respectfully submits that claims 1-2, 4-5, 7-9, 14-16 and 25-27 are not anticipated by Hino under 35 U.S.C. § 102(e) as Hino fails to identically teach each and every element of these claims and further for the reason that the Examiner has failed to set forth a *prima facie* case of anticipation thereover.

A. CLAIMS 1-4

Claim 1 recites a coin processing device comprising, *inter alia*, “a dampening mechanism configured to control the movement of the coin receptacle station between the first position and the second position.”

The Examiner alleges that Hino discloses a “dampening mechanism (See FIG. 4 below, C and 122a; coin receptacle station (120); first end (See FIG. 4 below, C); housing (110); second end (See FIG. 4 below, Back Side (opposite Front Side) of 122a)” (see Office Action, page 6). However, the alleged “dampening mechanism” is simply a front wall 122a of the drawer 122 (see par. [0136]), which does not provide a dampening function and is not configured to control the movement of the drawer between a first position in which the drawer is disposed entirely within the housing for receiving coins and a second position in which the drawer extends out of the housing. The front wall 122a merely serves to stop movement of the drawer 122 at a predefined point upon insertion of the drawer into the coin processing unit 110 housing.

As to claim 4, for example, Hino also fails to disclose a “dampening mechanism having a first end coupled to the housing and second end couple to the coin receptacle station,” as claimed. The Examiner’s statement of rejection is silent as to this claim association between the first end and the second end and Hino is merely purported to have a first end and a second end. However, such asserted first end (C) and second end (rear face of 122a) are not coupled.

B. CLAIMS 5-16

Claims 5-16 recite, *inter alia*, “a coin receptacle station disposed within the housing for holding a plurality of coin receptacles, the coin receptacle station including a plurality of individually moveable platforms each having at least one coin receptacle disposed thereon, each moveable platform being moveable between a first position and a second position, each moveable platform being disposed entirely within the housing for receiving coins in the at least one coin receptacle disposed thereon when in the first position, each moveable platform extending out of the housing when in the second position.”

Hino fails to disclose, for example, a “coin receptacle station including *a plurality of individually moveable platforms* each having at least one coin receptacle disposed thereon” (emphasis added). Instead, Hino show only a single drawer 122.

Further, the Examiner’s statement of rejection seems to imply that the plurality of individually moveable platforms limitation is satisfied by “moveable platforms (122)”. However, the Examiner has failed to address the recited limitation that the coin receptacle station includes “a plurality of individually moveable platforms each having at least one coin receptacle disposed thereon.”

Further, as to claims 14-16, for example, the Examiner states that Hino discloses a “door (122a)” with an “open position (FIG. 4)” and a “closed position (FIG. 2).” Hino fails to show, however, a housing comprising “a door moveable between an open position and a closed position, the door permitting a moveable platform to move from the first position to the second position when the door is in the open position.” However, the “front wall 122a” cannot be reasonably be interpreted as a door. The front wall 122a has neither an open position nor a closed position: it is a wall. Moreover, the front wall 122a does not permit the moveable drawer to move from a first position to a second position “when the door is in the open position.”

C. CLAIMS 25-28

Claims 25-26 recite, *inter alia*, a “method for processing coins with a coin processing machine comprising a housing, a coin sorting unit disposed within the housing, and a plurality of moveable coin receptacle platforms each for holding at least one coin receptacle, the coin receptacle platforms each being independently moveable between a first position and a second position, each coin receptacle platform being disposed entirely within the housing for receiving coins when in the first position, each coin receptacle platform extending out of the housing when in the second position, the method comprising . . . moving one of the plurality of moveable coin receptacle platforms from the first position to the second position for accessing the coin receptacles.”

Claim 27 recites a coin processing device comprising a housing, a coin sorting unit disposed within the housing, the coin sorting unit being configured to sort and discharge coins according to denomination and “a coin receptacle area comprising a coin receptacle station disposed within the housing for holding a plurality of coin receptacles each for receiving discharged coins of a single denomination, the coin receptacle station including a plurality of individually moveable platforms each having at least one coin receptacle disposed thereon, each moveable platform being moveable between a first position and a second position, each moveable platform being disposed entirely within the housing for receiving coins in the at least one coin receptacle disposed thereon when in the first position, each moveable platform extending out of the housing when in the second position.”

For at least the reasons noted above, Hino fails to disclose, for example, “a plurality of moveable coin receptacle platforms each for holding at least one coin receptacle, the coin receptacle platforms each being independently moveable between a first position and a second position,” and, correspondingly, an act of “moving one of the plurality of moveable coin receptacle platforms from the first position to the second position for accessing the coin receptacles” (claims 25-26). Similarly, Hino fails to disclose or suggest a “coin receptacle station including a plurality of individually moveable platforms,” as recited in claims 27-28. Instead, Hino shows only a single drawer 122. The Examiner’s statement of rejection incorrectly attributes to Hino’s disclosure “coin-receptacle platforms” or “moveable platforms” where only a single drawer 122 is disclosed.

Further, as to claim 26, the Examiner states that Hino discloses “opening a door (122a) of the housing prior to moving the one of the coin-receptacle platforms from the first position to the second position” (*citing* par. [0131]). As noted above, Hino fails to show a housing comprising a door moveable between an open position and a closed position, the door permitting a moveable platform to move from the first position to the second position when the door is in the open position. The “front wall 122a” cannot be reasonably be interpreted as a door, as it is a wall having neither an open position nor a closed position. The front wall 122a does not permit the moveable drawer to move from a first position to a second position when the door is in the open position. Stated differently, Hino cannot teach the recited subject matter, even under the Examiner’s unduly broad interpretation since the alleged “door (122a)” cannot be opened prior to moving the drawer (i.e., the alleged coin-receptacle platform) from the first position to the

second position since the front wall 122a is an integral part of the drawer 122 and cannot be moved prior to movement of the drawer itself.

III. THE 35 U.S.C. § 103 REJECTION OF CLAIMS 3, 10, 12-13 AND 30

Claims 3, 10, 12-13 and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hino in view of Jones, et al. (US 6,318,537) (“Jones”). Reconsideration and withdrawal of this rejection is requested.

Hino is acknowledged not to disclose coin bags or coin bag holders. Jones is cited as showing a similar device having coin bags (52) and coin bag holders (58) for the purpose of holding the sorted coins of a specific denomination (column 2, lines 25-28).” The Examiner alleges that “it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Hino as taught by Jones and include Jones’ similar device having a coin bags and coin bag holders for the purpose of holding the sorted coins of a specific denomination.”

It is respectfully asserted that the combination of Hino and Jones fails to teach or suggest each and every element of the rejected claims. Specifically, Applicant submits that the combination of Hino and Jones fails to teach or suggest “a dampening mechanism configured to control the movement of the coin receptacle station between the first position and the second position” (claim 3), “a track along which each moveable platform rides when moving between the first position and the second position” (claims 10 and 12-13), or “a track upon which each of the plurality of individually moveable platforms is disposed to move between said first position and said second position” (claim 30).

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981 (CCPA 1974). “All words in a claim must be considered in judging the patentability of that claim against the prior art”. *In re Wilson*, 424 F.2d 1382, 1385 (CCPA 1970); *see also In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995).

Reconsideration and withdrawal of the 35 U.S.C. § 103 rejection of claims 3, 10, 12-13 and 30 is therefore requested at least upon this ground.

IV. THE 35 U.S.C. § 103 REJECTION OF CLAIM 6

Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hino in view of Muellner (US 4,450,968). This rejection is moot in view of the cancellation of claim 6. However, in view of the incorporation of the subject matter of claim 6 into claim 5, reconsideration of the stated grounds of rejection is requested in the Examiner’s subsequent consideration of claim 5.

Hino is acknowledged not to teach or suggest a track. Muellner is cited as disclosing a “similar device having a track (24) for the purpose of receiving and capturing the casters (column 2, lines 57-66).” The Examiner alleges that “it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify Hino as taught by Muellner and include Muellner’s similar device having a track for the purpose of receiving and capturing the casters.”

Claim 5 recites “a coin receptacle station disposed within the housing for holding a plurality of coin receptacles, the coin receptacle station including a plurality of individually moveable platforms each having at least one coin receptacle disposed thereon, each moveable platform being moveable between a first position and a second position, each moveable platform

being disposed entirely within the housing for receiving coins in the at least one coin receptacle disposed thereon when in the first position, each moveable platform extending out of the housing when in the second position" and, further, "a track along which each moveable platform rides when moving between the first position and the second position."

The combination of Muellner with Hino is not suggested by either reference. Although a prior art device "may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so." See *In re Fritch*, 972 F.2d 1260 (Fed. Cir. 1992). The Examiner must show reasons why a skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed. *In re Rouffet*, 149 F.3d 1350, 1357 (Fed. Cir. 1998). This showing must be clear and particular. See, e.g., *In re Dembiczak*, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). Broad conclusory statements, standing alone, are not "evidence". *McElmurry v. Arkansas Power & Light Co.*, 995 F.2d 1576, 1578 (Fed. Cir. 1993). "The factual inquiry whether to combine references must be thorough and searching" and must be based on objective evidence of record. *McGinley v. Franklin Sports, Inc.*, 262 F.3d 1339, 1351-52 (Fed. Cir. 2001); *In re Sang-Su Lee*, 277 F.3d 1338, 1345-46 (Fed. Cir. 2001); *In re thrift*, 298 F.3d 1357, 1363 (Fed. Cir. 2002). Hino mentions no deficiencies or problems associated with the use of casters 122b for coin drawers and Muellner (which is submitted not to be analogous art, see below) relates to the wheels (not casters) discloses no generally applicability of the disclosed subject matter to anything other than carts used for baggage, packages and groceries. There is no evidence of record supported the proffered combination.

Further, Muellner is non-analogous art. To rely upon a reference as a basis for rejection, the reference must either be in the field of the Applicant's invention or, if not, *must be reasonably pertinent to the particular problem with which the inventor was concerned*. See *In re Oetiker*, 977 F.2d 1443 (Fed. Cir. 1992). A reference is reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention *in considering his or her problem*. See *Wang Laboratories Inc. v. Toshiba Corp.*, 993 F.2d 858 (Fed. Cir. 1993). The "Nestable Cart Anti-Reversing Apparatus" disclosed by Muellner has no bearing to coin processing devices or, more particularly, to coin redemption machines that provide improved access to the coin-containing receptacles of the coin processing device. Muellner discloses utilization of an anti-reversing tab (54), disposed adjacent a wheel (42) of a nestable cart (14) for transporting baggage, packages, or groceries (col. 1, lines 5-15), to prevent customers from inserting the cart backwards in an island (col. 2, lines 1-27) in such a way that other customers who have rented the cart for a service charge would be prevented from receiving their award money for returning the cart (see cols. 1-2). Muellner is, therefore, not pertinent to an inventor attempting to provide greater access, by a trained user (*i.e.*, access to the coin receptacles is controlled), to coin receptacles contained within a coin redemption machine. Muellner is therefore non-analogous art for at least this reason. Additionally, differences in classification is evidence of non-obviousness that must be considered by the Examiner. Muellner is primarily classified under U.S. Class 211. In contrast, Hino is primarily classified under U.S. Class 194. There is also no overlap in class/subclass. The fields searched by the respective Examiner's prosecuting these applications underscores the markedly different fields searched for each of these references.

For at least the above reasons, it is submitted that the subject matter of claim 6 (now claim 5) is not obvious in view of the combination of Hino and Muellner under 35 U.S.C. § 103, nor has the Examiner presented a *prima facie* case of obviousness thereover.

V. THE 35 U.S.C. § 103 REJECTION OF CLAIMS 11 AND 31

Claims 11 and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hino in view of Jones. Reconsideration and withdrawal of this rejection is requested.

Hino is acknowledged not to disclose a coin bag partition. Jones is alleged to show “a similar device having a coin bag partition (44) for the purpose of sorting coins of various denominations (column 2, lines 25-28).” The Examiner alleges “it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Hino as taught by Jones and include Jones’ similar device having a coin bag partition for the purpose of sorting coins of various denominations.

Claim 11 recites, further to claim 5 (see above), that “each of the moveable platforms include at least one coin bag partition for separating the coin bags.” Claim 31 similarly recites, *inter alia*, “at least one coin bag partition disposed on each of the moveable platforms.”

Hino fails to disclose or suggest the above-noted aspects of claims 11 and 31. Instead, as noted above, Hino shows only a single drawer 122, not “coin-receptacle platforms” or “moveable platforms,” as alleged. Hino likewise fails to disclose or suggest “a track along which each moveable platform rides when moving between the first position and the second position” (claim 11) or “a track upon which each of the plurality of individually moveable platforms is disposed to move between said first position and said second position” (claim 31). Jones appears unable to make up for the deficiencies of Hino. For example, Jones appears not to teach or suggest “a

track along which each moveable platform rides when moving between the first position and the second position" or "a track upon which each of the plurality of individually moveable platforms is disposed to move between said first position and said second position," as recited in claims 11 and 31, respectively. Therefore, the combination Jones and Hino fails to teach or suggest each and every element of the claimed invention and, correspondingly, fails to render the claimed subject matter obvious under 35 U.S.C. § 103. Reconsideration and withdrawal of this rejection is requested for at least this reason.

VI. THE 35 U.S.C. § 103 REJECTION OF CLAIM 29

Claim 29 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hino in view of Jones. In view of the amendment to claim 29, this rejection is rendered moot. Reconsideration and withdrawal of this rejection is requested.

VII. CONCLUSION

Applicant requests reconsideration of and withdrawal of the above-described restriction requirement.

It is the Applicants' belief that all of the claims are in condition for allowance and action towards that effect is respectfully requested.

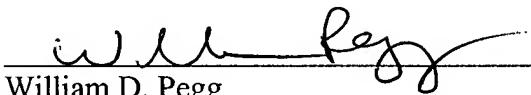
If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated.

It is believed that no fees are due; however, should any additional fees be required (except for payment of the issue fee), the Commissioner is authorized to deduct the fees from Jenkens & Gilchrist, P.C. Deposit Account No. 10-0447, Order No. 47171-00390USPT.

Respectfully submitted,

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Date



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